IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.324 OF 2006

Rajendra P. Godshalwar...Petitioner

Vs.

State of Maharashtra & Ors..Respondetns

Dr. Virendra V. Tulzapur i/b. Kadam & Company for the Petitioner.
Mr. R.M. Sawant, Government Pleader for Respondent Nos. 1 and 2.
Mrs. S. Ajit Kumar for Respondent Nos. 4 to 6.

CORAM: F.I. REBELLO & ANOOP V. MOHTA JJ.
DATE : 17th April,2006

P.C.:

. Rule Heard forthwith.

2. Petitioner is seeking to redevelop the property in terms of D.C. Regulation No.33(7). He accordingly applied to the Committee in terms of the order of this Court. The proposal was supported by an Expert Report as to the condition of the building, by Professor A. Mukherji, Department of Civil Engineering, Indian Institute of Technology. The Committee considering the proposal, visited the site and vide report dated 9th December, 2005 has rejected the proposal. It it against this rejection the present petition has been filed.

2. It is no doubt true that two of the members of the Committee are Structural Engineers and the third is the Chief Engineer of MHADA. The report does not indicate that they have done any scientific tests to find out whether the building is

dilapidated or unstable. Professor Mukherji in his report has in his conclusion given an opinion that the building cannot be categorised as safe and stable according to the recent Indian Standard on seismic design. The inspection was carried out on 9th December, 2005 and it appears that the decision was also taken on the same day based only on visual inspection. The Expert Committee Report was prepared on 15th December, 2005.

. Considering the above, we direct the Committee to consider the matter afresh and before giving their final opinion, to consider the report of Prof. A. Kukherji and after considering that report to give their opinion. The entire exercise to be completed within a period of six weeks from today. Rule made absolute accordingly. No order as to costs.

(F.I.REBELLO, J.)

(ANOOP V. MOHTA, J.)